

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

Claims 1-8, 11-15, and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. (U.S. Patent Application Publication No. 2004/0028737) in view of Mehra et al. (U.S. Patent No. 5,733,575). Applicants respectfully traverse this rejection.

Claim 1 is directed to a non-toxic, edible, enteric film coating, dry powder composition for use in preparing an aqueous enteric coating suspension. The subject matter recited in claim 1 is a dry power composition, and the dry powder composition includes methacrylate copolymer of Type C, a plasticizer, a detackifier, and opacifier but no alkalinizing agent. The dry powder composition of claim 1 is stable even though it does not include any alkalinizing agent, which neutralizes carboxylic acid groups in methacrylate and forms a salt thereof (see page 3, lines 1-9 and page 4, lines 9-11 of the specification).

The rejection asserts that examples 5-7 of Deshpande do not use 2M ammonia solution (see pages 5-6 of the Office Action mailed March 30, 2011). Example 7 of Deshpande, however, uses 2N NaOH (see para. [0064]), which would be considered an alkalinizing agent excluded from the dry powder composition of claim 1 in the present application. The enteric coatings of examples 5-6 of Deshpande are in a form of an aqueous solution (see paras. [0060] and [0063] on page 4). Nowhere including examples 5-6 does Deshpande disclose a dry power composition, which is the subject matter of claim 1, and the reference fails to disclose the dry powder composition including methacrylate copolymer of Type C, a plasticizer, a detackifier, and opacifier but no alkalinizing agent as claim 1 recites. Thus, claim 1 is distinguished from Deshpande.

Mehra discloses a dry powder composition including an enteric film forming polymer, detackifier, a viscosity modifier, and an alkalinizing/anti-coagulating agent and optionally, a plasticizer (see coln. 2, lines 33-41). Mehra teaches that the alkalinizing agent "acts as an anti-coalescing or stabilizing agent... to prevent coalescing or blockage

of the spray lines and guns, and the alkalinizing agent also reduces the tackiness of the coating” (see coln. 4, lines 3-7). From the teachings of Mehra, there is no reasonable basis to combine Mehra and Deshpande and form a dry powder composition that does not include an alkalinizing agent, which can increase stability, prevent coalescing or blockage of spray lines and guns, and reduce tackiness of the coating, as claim 1 recites.

Accordingly, claim 1 and its dependent claims 2-8, 12-15, and 18 are distinguished from Deshpande in view of Mehra.

Similar to claim 1, claim 11, which is directed to a process of making a dry powder enteric film coating composition, recites that the dry powder film coating composition includes methacrylate copolymer of Type C, a plasticizer, a detackifier, and opacifier but no alkalinizing agent. Thus for at least the same reasons as discussed for claim 1 above, claim 11 also is distinguished from Deshpande in view of Mehra.

Accordingly, this rejection should be withdrawn.

Claims 9-10 and 16-17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. (U.S. Patent Application Publication No. 2004/0028737) in view of Mehra et al. (U.S. Patent No. 5,733,575) and Kokubo et al. (U.S. Patent No. 4,948,622). Applicants respectfully traverse this rejection.

Claims 9-10 and 16, which ultimately depend from claim 1, are distinguished from Deshpande in view of Mehra for at least the same reasons as discussed for claim 1 above.

Claim 17, which depends from claim 11, also is distinguished from Deshpande in view of Mehra for at least the same reasons as discussed for claim 11 above.

Kokubo discloses a coating of a solid medicament with a hot aqueous dispersion of powdery cellulose and a wax coating with melted wax over the cellulose coating (see abstract, coln. 3, lines 16-25, and coln. 4, lines 56-62). Kokubo, however, fails to disclose an enteric coating and thus fails to disclose a dry powder composition of an enteric coating including no alkalinizing agent as claims 1 and 11 recite. Thus, Kokubo does not remedy the deficiencies of Deshpande and Mehra. Accordingly, this rejection should be withdrawn.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.



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DPM/my/jes

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By: 

Douglas P. Mueller
Reg. No. 30,300